IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1952 OF 2004

Girishchandra Ramkrishna Joshi
& Anr. ...Petitioners

Versus

Union of India & Anr. ...Respondents

.....

Mr.Sanjay Udeshi for Petitioners.

Mr.D.N.Salvi for Respondent No.1.

Mr.K.V.Saste, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 17, 2005.

P.C.

1. Heard Counsel for the parties.

2. This Petition takes exception to the interlocutory order passed by the Special Judge, Greater Mumbai dated 6th September 2004, whereby, application preferred by the Petitioners for production of internal and external audit reports

concerning the audits carried out in the Home Street Branch of Union Bank of India between 1986 to 1989, has been rejected.

3. In my opinion, the Court below has recorded good reasons for declining that request. The first reason is that the said documents will have no bearing, and in fact, all the relevant materials to prove the charge relating to making bogus entries have already come on record. Secondly, that such application, if at all, ought to have been filed by the Petitioners in earlier point of time, which was not done and the purpose of taking out this Application is calculated to defeat the ends of justice. Thirdly, in the Section 313 statement of the Petitioners as recorded, no reference has been made to the audit reports.

4. In my opinion, it is not possible to take the view that the grounds are manifestly wrong, so as to exercise writ jurisdiction, at this interlocutory stage. The Trial Court is in seisin of the entire records and has expressed prima facie

opinion. There is no need to interfere with that opinion. This Petition should fail. Hence, dismissed.

5. It will be open to the Petitioners to agitate before the Appellate Court, if occasion so arises, that non-production of the subject documents has caused prejudice to them and for appropriate consideration of that aspect.

6. Petition disposed of on the above terms.

7. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.